



News Release

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FOR IMMEDIATE RELEASE

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Temporary regulations allow more flexible water use

TOPEKA - Temporary regulations allowing water users more flexibility during minimum desirable streamflow administration were approved by the state's rules and regulations board and adopted by the division of water resource's chief engineer this week.

The new regulations also formalize the procedures to determine when to begin administrative enforcement of minimum desirable streamflows, or MDS, and when that enforcement may end.

Both measures are expected to provide water right holders subject to MDS administration more flexible water use and an incentive to conserve the water available to them. The regulations should reduce the number of administrative notices the chief engineer issues during MDS administration, which may result in modest savings for the program.

The new regulations are based in part on an analysis of historical flow data from the Republican River basin and how often MDS would have been administered had the law been in effect for the time period for which flow data is available. Based on those flow trends, as well as existing hydrological conditions, the chief engineer determined that "MDS agreements" might benefit water users by allowing more flexible water use while continuing to protect MDS. The agreements would allow a small amount of groundwater to be pumped, in contrast to previous administrative procedure that prohibited groundwater pumping.

Water commissioners in Stockton and Topeka currently are working on language that will be used in the MDS agreements for water users in the Republican River basin, where streamflows have been hovering near the MDS trigger level for several weeks. Currently, the Republican River is the only stream being considered for MDS administration, although other streams nearing MDS levels also are being monitored.

The procedures for MDS streamflow management in the new regulations are, in times of shortage, to protect senior rights and maintain the minimum flow conditions set by law. Kansas monitors 23 rivers and streams under the MDS program. The program primarily affects water right holders with a priority date of April 12, 1984, or later.

The temporary regulations will remain in effect for at least 120 days while public comments are gathered for consideration by the chief engineer. Based on those comments, the chief engineer will decide whether the regulations should be permanently adopted.

Written comment may be made to the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Second Floor, Topeka, KS 66612-1283. Written comments must be received by July 8. Oral comments may be made in person at a 1:30 p.m. public hearing on Monday, July 8, in the fourth floor training room at the Kansas Department of Agriculture, 109 SW 9th Street, Topeka. Persons with special accommodation needs who plan to attend the public hearing should notify the Kansas Department of Agriculture at (785) 296-3717 at least three days prior the hearing.

For full text of the new regulations and the notice of hearing, visit the Kansas Department of Agriculture website at www.accesskans.org/kda and select the link "DWR Proposed Regulations."